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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,740	02/09/2001	Hendrikus Johannes Joseph Van Soest	0142-0346P	5867

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EXAMINER

CHAU, MINH H

ART UNIT	PAPER NUMBER
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2854

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DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

apn

<b>Office Action Summary</b>	<b>Application No.</b> 09/779,740	<b>Applicant(s)</b> VAN SOEST ET AL.	
	<b>Examiner</b> Minh H Chau	<b>Art Unit</b> 2854	

**-- Th MAILING DATE of this communication app ars on th cov r sh et with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 09 February 2001.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1, 2, 4, 5 and 7 is/are rejected.

7) ☒ Claim(s) 3, 6 and 8-10 is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All   b) ☐ Some \*   c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .	6) <input type="checkbox"/> Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 7, the language as recited in this claim is unclear, which create confusion for the reader. The Examiner is unable to determine the claim language that regarding to “the holes”, “the edge zones” and “the entire length of the carrier plate”. The Examiner is requesting the Applicant to rewrite the language of this claim so that the Examiner is able to clearly understand the claim language.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1, 4, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyasaka et al. (US # 6,270,215).

With respect to claim 1, Miyasaka et al. teach an inkjet printer comprises an ink application mechanism (22) for applying an ink image to a strip (13) of receiving material, the ink application mechanism extending in a direction transverse to the direction of advance of the receiving material, a platen or a carrier mean (2) for keeping the strip in a predetermined position with respect to the ink application mechanism, the carrier means comprising a drafting member or carrier plate (12) for carrying the strip, the plate having channels (Fig. 2) extending in a direction substantially parallel to the direction of advance of the receiving material, the carrier plate is provided with holes (21) and air displacement means (36) operatively associated with the holes for drawing air via the holes away from the space between the carrier plate and the strip of receiving material lying on the carrier plate, the holes appear in the carrier plate at least in a portion thereof in which a strip of the receiving material is maintained in a predetermined position with respect to the ink application mechanism (see Figs. 1-3 and cols. 5-6).

With respect to claim 4, see Figs. 1-2 of Miyasaka et al. that shows the holes, when considered in the direction of advance of the receiving material, are situated predominantly at an upstream edge portion of the carrier plate

With respect to claim 5, see Figs. 1-2 of Miyasaka et al. that shows the holes are disposed in ribs (17) which form the channels and lead into the top surface of each rib.

With respect to claim 7, see Figs. 1-2 of Miyasaka et al. that shows the holes are extending over the entire length of the carrier plate and the edge zones.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka et al. as applied to claim 1 above.

With respect to claim 2, Miyasaka et al. teach the channels are separate each other at a substantially width or distance (see Fig. 2), while Miyasaka et al. do not specifically mention the width of the distance between channels is about 15 and 20mm, the selection of a specific distance or width between channels about 15 and 20mm can be determined though obvious routine experimentation.

*Allowable Subject Matter*

7. Claims 3, 6 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Claim 3 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of an apparatus for applying an ink image to a receiving material including channels have channel walls which define an acute angle with a top surface of the carrier plate.

Claim 6 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of an apparatus for applying an ink image to a receiving material including the top surface of each rib is formed with groove, which extends from a hole provided in the rib to a downstream edge of the carrier plate.

Claims 8-10 have been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of an apparatus for applying an ink image to a receiving material including the holes in the edge zones are formed in the channel walls which are situated on the side of the channels which is closest to the middle of the carrier plate

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Applicant attention is invited to the patents to Elgee et al. (US # 6,152,444), Juan (US #6,234,472) and Juan et al. (US # 6,367,999).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H Chau whose telephone number is (703) 305-0298. The examiner can normally be reached on M - TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MHC  
December 15, 2002

